

Town of Nolensville
Board of Mayor and Aldermen Meeting
Date: July 3, 2008, Time 7:00 p.m.
Nolensville Elementary School

Mayor Beth Lothers opened the meeting at 7:00 p.m. Members present were Aldermen Jimmy Alexander, Tommy Dugger, and Ken Thomas. Alderman Joe Curtsinger was absent. Staff present: Counsel Rob Hill, Town Planner Henry Laird, Town Engineer Don Swartz, and Recorder Cindy Lancaster. There were 15 citizens present.

Alderman Ken Thomas led the Prayer and Pledge.

Citizens Input:

Mr. Aubrey Short, 803 Rockwood Drive, said that he mentioned last month that the budget had not been published properly. He noted that he was incorrect and apologized to Town Recorder Cindy Lancaster. He did ask that the Board publish it during the last month prior to the final reading versus the first reading.

Mayor Lothers noted that the MTAS publication states to publish the budget prior to the public hearing. She explained that municipalities have different number of readings and when public hearing occurs. In Nolensville, one month is First reading, the next month is Public Hearing, and the third month is Second reading. As recommended by MTAS, we do the required publishing after First Reading and before Public Hearing so that citizens have an opportunity to give input. Vice- Mayor Dugger thanked Mr. Short for the apology.

Ms. Lynda Moses, 2230 Rocky Springs Road, just came from the 4th of July Volunteer meeting with 100 volunteers participating. She commended this group for their hard work. Ms. Moses advised the Board that the Historic Society would be holding their quarterly meeting at the Ebenezer United Methodist Church. She noted that several projects are under way.

Alderman Dugger made a motion to approval the regular meeting minutes of June 5, 2008, Alderman Thomas seconded. There were no additions or corrections and the minutes were approved unanimously.

Mayor Lothers made a motion to approve the special meeting minutes of June 17, 2008, Alderman Alexander seconded. There were no additions or corrections and the minutes were approved unanimously

Mayor Lothers made a motion to approve the treasurer's report for May with an amendment. She noted that the Board had an amended report before them. She noted that with the year end changes in the line item of Revenues "Refunds and Rebates" and a double posting correction in Police Expenditures of "Capital Outlay" were made. Alderman Dugger seconded, and the report was approved unanimously as amended.

COMMITTEE REPORTS:

Planning Commission member Mr. Willis Wells reported for the Planning Commission.

- Site plan for Advanced Auto was approved with four conditions

- A proposed Zoning Ordinance amendment in regards to landscaping passed unanimously
- A proposed Zoning Ordinance amendment in regards to buffering passed unanimously
- Staff is working with Planning Commission member Matt Happel on sign regulations
- Monthly bond report was approved

Historic Commission Member Mr. Bob Crigger reported for the Historic Commission.

- Due to no meeting, there was no report

Fire Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- A written report was submitted to the Board
- Alarm calls had increased 15% due to the number of new installation of alarm systems

Planner Henry Laird reported for the Planning Department.

- Noted there was no report

Engineer Don Swartz reported for the Engineering Department

- Work has resumed on Rocky Fork Road with an estimate of six to eight weeks for work completion
- A resolution was reached with TDEC
- An appraisal has been obtained and the property owners have been met with in regards to the second access into the park
- Design for Rocky Fork, Nolensville and New Clovercroft Road signalization is moving forward
- Contract for the Safe Route to School Grant has been signed

Mayor Lothers thanked the Board members that attended the Special Meeting held to move forward on the Rocky Fork Road Realignment project.

Police Chief Paul Rigsby reported for the Police Department.

- Written statistics were distributed to Board
- All officers will be on duty during the Fourth Celebration

Mr. Bob Hayes stated that there was no report for the Public Works Department.

Alderman Thomas reported for the Events Committee. He encouraged those that were able to walk, to please do so, in order to save the closer parking for the impaired or those that may need assistance for the 4th Celebration. Alderman Thomas noted that festivities will begin at 5:00 with food, inflatables for children and music. He noted that Chair Suzie Lindsey, in addition to the members of the Committee, have worked hard on this event.

Mayor Lothers added that the volunteers are at the park meeting on this event at this moment. She stated that the town's budget was reduced for this event due to budget cuts and the committee has raised enough money to fund the fireworks display. Mayor Lothers thanked the community and businesses that have supported this event.

There was not a report for the Economic Development Committee.

There was not a report for the Trails and Trees Committee.

Mayor's Report:

a. Other

Mayor Lothers stated that she recently attended a TML Conference that was very informative. She noted that there were very interesting topics that included changes in the open records laws and has given that information to the Town Recorder, Court Clerk and Police Chief. Mayor Lothers noted that MTAS will be holding a Level One class on July 25th and 26th in Lawrenceburg. She noted that she will forward this information to the Board members.

Mayor Lothers thanked the BOMA members and other leaders who attended the Town Center Redevelopment Workshop and stated that a TML Bond Workshop would be scheduled.

Second reading of ordinance 08-07, an ordinance to amend Chapter 18, of the Municipal Code, Chapter 1, pertaining to the Storm Water Appeals Board, Alderman Dugger made a motion to approve this ordinance, Alderman Alexander seconded and this passed unanimously.

First reading of ordinance 08-08 an ordinance to amend Zoning Ordinance 04-09 pertaining to buffering and tree planting in Appendix B. Mayor Lothers stated that Mr. Skip Heibert, a Landscape Architect, made the recommendations that are reflected in this ordinance. Planner Laird noted that it creates a buffer adjacent to the "CR" Zone and eliminates the Mobile Home district. He added that an update of the tree list is included.

Mayor Lothers asked if there was any concern for the 50' buffer. Planner Laird said there was no concern shown, although they felt that 30' would not be enough. He added that the Planning Commission has discretion to require more buffering, but it does not mention "CR" Zoning, therefore this ordinance would protect buffering.

Mayor Lothers made a motion to approve this ordinance, Alderman Alexander seconded, and this passed unanimously.

Reading of Resolution #08-05, a resolution to allocate funding for future signalization. Mayor Lothers introduced Mr. Dennis Glass who is working with Regency Centers, on The Shoppes at Burkitt Place Development. She noted that the Board has a letter from Regency and a chart indicating sales and tax benefit projections that were distributed to their boxes. She noted that Regency was reviewing the different **costs** with this development. She added that the Property Tax is very low, although the impact fee and adequate facilities tax are substantial. Mayor Lothers stated that the Town looked at different ways it could support this project. She added that the impact fee study did not include the Burkitt Place signalization. Mayor Lothers stated that by putting adequate facilities tax fees collected back into this location that the commercial and residential development benefits as well as any future southern commercial development. She stated that resolution is written as to guarantee that a commercial entity generate a minimum of \$200,000 a year for the town. Mayor Lothers made a motion to approve this resolution, Alderman Alexander seconded.

Mr. Glass stated that he felt that there will be a strong appeal with this development. He added that Home Depot is not asking for a lot of concessions. He noted that currently they are quite a bit over

budget and with the infrastructure that is being put into place, every little bit of savings helps. He added that the infrastructure that is planned will be turned over to the Town.

Alderman Alexander stated that the resolution states “when it is warranted”. He asked who will inform the Town when this light is warranted. Mr. Glass stated that they would work with the Town on this project. He added that a study will be performed and the developer will pay for the study.

Mayor Lothers stated that the money the Town collects from the developer will be taken and a portion will be spent on the signalization. She went over the hand out that was distributed to the Board noting that the anticipated total revenue generated over twenty years is six million dollars.

Alderman Thomas noted that for a point of clarification, the estimates provided by Regency are strictly estimates. Mayor Lothers agreed and stated that initially an estimate of 30 million was given in annual sales was given for Home Depot and they reduced the numbers due to the economy. Alderman Thomas added that this is a tremendous amount of revenue for the Town. He asked how they came up with these numbers. Mr. Glass stated that Home Depot comes up with these projections and they are not privy to their process. Alderman Thomas asked if there were any more concessions that the Town is going to be asked to make. Mr. Glass stated that at this point this is the only thing on the table.

Alderman Dugger noted that on Section 2 it says that the signal will not be constructed until the conditions are met. He said that if the Town waits until everything is going, will it be a little behind. Mayor Lothers stated that will be a TDOT decision. Mr. Glass added that they will monitor this and if they can move forward sooner, they would definitely come back to the Town and make the signalization request.

Alderman Alexander noted that he understood that an additional parcel had been added. He asked if that revenue was included in these numbers.

Planner Laird said that the initial traffic study did not include this parcel, although it is being redone to include that parcel. Alderman Alexander stated that it would be an impact if it was not included within these numbers. Mr. Glass said that if the paperwork they have states four and not three, it was included. It was noted that it stated four and was included.

Counsel Hill noted that the second “Whereas” in the Resolution notes \$200,000 minimum revenue. He added that in order to make the \$200,000 a condition, it must state that it is a condition, although it maybe difficult to monitor. Counsel Hill stated that if it is the Board’s wishes to make this a condition it must be changed to make it contingent on this figure. Mr. Glass stated that when he spoke to Mr. Jeff Pape, Vice President of Regency Centers, this afternoon and he felt the intent was that this is a reasonable estimate. He added that if a standard is imposed it may hurt both entities. Counsel Hill noted that as it is written, it does not require sales tax proof. Mayor added that the Town would like a safeguard if something changed that would not allow this projected revenue.

Mr. Glass stated that what we may need to focus on is the standard will be based on the improvement. He said that it is easy to find ourselves focusing on the dollars. Mr. Glass stated that if there is \$200,000 produced in revenue that would mean the traffic would probably warrant a light.

Alderman Dugger noted for clarification in regards to the amount of tax, this number cannot be divulged to the Town from the State due to confidentiality. Mayor Lothers stated that due to the agreement with

Brentwood her understanding was that the State is working on a way to determine how to reveal that number.

Alderman Alexander stated that the Town is leaving that up to the developer to determine when they are going to perform the study.

Alderman Thomas asked what the general timeframe was of approval from TDOT. Engineer Swartz stated that he did not recall how long it took to obtain the signalization permit for Rocky Fork Road. He added that his experience has been with Metro where there was a “home rule”, although he felt it would be about a month or two process. Mayor Lothers said that with Rocky Fork she had several meetings with TDOT, provided them aerials with numbers at build out and a copy of the Infrastructure Study. TDOT agreed to count two road that would be the equivalent of the new Rocky Fork and provided the warrant before the road’s construction. Mr. Swartz noted that the Town would want to be involved in that process. There was extensive discussion on the TDOT permit process. Mr. Laird said that part of the approval from the Planning Commission is stating that signalization would be required. Alderman Dugger noted that Home Depot will want a traffic signal so that their customers can get in and out easily.

Alderman Alexander stated that he wanted to make sure it was understood that the developer would be performing and paying for the study. He added that he was still not sure when they were going to do it.

Mayor Lothers referred to the letter that was in each Board members box, noting that she is not opposed to this resolution. Alderman Alexander stated that he was o.k. with it. Counsel Hill stated that it was the Board’s wishes on how to proceed.

Alderman Thomas stated that he had one question. He said if the study is performed and TDOT says the signal is not warranted by TDOT. He asked if the Town has to go back again, will the developer pay for that again. Mr. Glass said that we all are privileged to be in a great county that growth is taking place. He added that the Town of Nolensville is going to be growing and it is committing to install the light when it is warranted.

Mayor Lothers made a motion to add that all traffic studies would be performed “by Regency”, this was seconded by Alderman Dugger, and this amendment passed unanimously. The vote was taken to pass this resolution as amended and passed unanimously.

Other:

There was no “Other” business.

The meeting adjourned at 8:07 p.m. by acclamation.

Respectfully submitted,

Approved,

Cindy Lancaster
Town Recorder

Beth Lothers
Mayor